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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLES W. McCALL, and JAY LAPINE,

Defendants.

Case No: **CR 00-0505-WHA**

**STIPULATION AND ~~PROPOSED~~
ORDER RE RETURN OF DEFENDANT
JAY M. LAPINE'S PASSPORT**

The United States and defendant Jay Lapine, through their respective counsel, stipulate and agree as follows:

RECITALS

1. On June 4, 2003, this Court unsealed a second superseding indictment containing charges against Mr. Lapine. Trial in this matter began on September 11, 2006. On November 3, 2006, the jury returned a verdict of not guilty as to Mr. Lapine on Count 1 of the Indictment. The jury was unable to reach a verdict as to Mr. Lapine on any of the remaining six counts, and the Court declared a mistrial as to Count 2, 4, 5, 6, 7, and 8 of the Indictment and discharged the jury. The United States intends to re-try Mr. Lapine on those counts. No trial date is presently assigned.

2. Defendant Jay Lapine has previously surrendered his passport to the Court as a condition of his personal recognizance bond release.

1 3. On June 21, 2007 the Court entered a stipulation and order granting Mr. Lapine
2 permission to obtain his passport for business travel abroad from January 24, 2008 to June 27,
3 2008. This was one of four prior stipulations and orders granting Mr. Lapine permission to
4 obtain his passport for business travel abroad. The Court also permitted Mr. Lapine to renew his
5 passport in an order dated June 21, 2007.

6 4. Mr. Lapine was recently hired as the Vice President and General Counsel of
7 Intralot, Inc. Intralot's parent company is based in Greece. In this new position, Mr. Lapine
8 needs to travel internationally. Mr. Lapine currently has two international business trips
9 scheduled. Those trips are currently scheduled for September 14-26, 2008 and October 12-26,
10 2008. Due to the fact that Intralot is an international corporation, Mr. Lapine may be required to
11 travel internationally at other times during the next six month period with little prior notice.

12 5. The United States and Mr. Lapine agree, and respectfully request that the Court
13 allow Mr. Lapine to retain his passport so he may undertake business travel abroad during the
14 period from June 27, 2008 to December 31, 2008. Mr. Lapine will return his passport to the
15 Court on or before December 31, 2008. During the time periods when Mr. Lapine is not
16 traveling, he will lodge his passport with his counsel¹ in this matter. Counsel for Mr. Lapine will
17 also notify the government prior to Mr. Lapine commencing any international travel other than
18 the above-mentioned two trips during this time period.

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27 ¹ Counsel may be either Rogers & Hardin in Atlanta, Georgia or Kasowitz, Benson, Torres &
28 Friedman in San Francisco, California. Notice will be given to the government when and where
the passport is lodged.

STIPULATION

Based on the foregoing, IT IS HEREBY STIPULATED AND AGREED, that Mr. Lapine, with this Court's permission, retain his United States Passport so that he may undertake business travel abroad during the period from June 27, 2008 to December 31, 2008. Mr. Lapine will then return his passport to the Court on or before December 31, 2008.

IT IS SO STIPULATED AND AGREED.

DATED: June 9, 2008

KASOWITZ BENSON TORRES & FRIEDMAN LLP

By: _____/s/_____
Lyn R. Agre
Attorney for Defendant Jay Lapine

DATED: June 9, 2008

UNITED STATES OF AMERICA

By: _____/s/_____
Timothy Crudo, Assistant U.S. Attorney
Attorney for The United States

Pursuant to the foregoing stipulation, IT IS SO ORDERED.

DATED: June 10, 2008

THE HONORABLE WILLIAM H. ALSUP
United States District Judge

